

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRONTIER INVESTMENT BANC
CORPORATION,

Plaintiff,

vs.

PLANET GROUP INC.,

Defendant.

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8:09CV239

ORDER

This matter is before the court *sua sponte*, pursuant to [NECivR](#) 41.2, the court may, at any time, dismiss an action for lack of prosecution when it appears the case is not being prosecuted with reasonable diligence. The record reveals the complaint was filed on July 21, 2009. **See** [Filing No. 1](#) - Complaint. The plaintiff filed a notice of executing a summons on the defendant July 22, 2009. **See** [Filing No. 6](#). No other action has taken place in this matter. The answer is now past due. It remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for the clerk's entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR](#) 55.1(a). Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on September 25, 2009**, to file a motion for clerk's entry of default or show cause why this case should not be dismissed for failure to prosecute the defendant.

Dated this 17th day of September, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge